



# TOWN OF RIVERHEAD

*Laura Jens-Smith, Supervisor*  
200 Howell Avenue  
Riverhead, New York 11901-2596  
631-727-3200

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BID # \_\_\_\_\_

**BID FOR: ONE (1) USED STEEL FLATBED TOW TRUCK**

\_\_\_\_\_  
BIDDERS NAME

\_\_\_\_\_  
BIDDERS ADDRESS

\_\_\_\_\_  
CITY, STATE, ZIP

\_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_  
DATE PHONE NUMBER

EMAIL ADDRESS: \_\_\_\_\_

In compliance with your advertisement for bids to be opened on **April 3, 2019** and subject to all conditions thereof, the undersigned hereby proposes to furnish the item(s) and/or service(s) itemized in this proposal in accordance with the Notice to Bidders, General Information Agreement and Specifications contained herein on the Bid Proposal Form attached.

Bidder certifies that the prices quoted herein do not include Federal Excise Tax or any Federal, New York State or City Sales Tax and are not higher than prices charged to any governmental or commercial consumer for like merchandise and/or service; and all prices include shipping and freight charges to any Municipal building or site within the Town of Riverhead.

**(THIS PAGE MUST BE COMPLETED, SIGNED, AND RETURNED WITH BID)**

Respectfully submitted,

\_\_\_\_\_  
Signed By:

\_\_\_\_\_  
Title:

**BIDDERS ARE INVITED TO ATTEND BID OPENING**

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for “**ONE (1) USED STEEL FLATBED TOW TRUCK**” for the Town Municipal Garage will be received by the Office of the Town Clerk at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on or before **11:00 am on April 3, 2019**, at which time they will be publicly opened and read aloud.

Specifications and guidelines for submission of bids are available on the Town website at [www.townofriverheadny.gov](http://www.townofriverheadny.gov), click on “Bid Requests” beginning **March 14, 2019**.

All bids must be submitted on the bid form provided. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation “**EXCEPTIONS TO THE SPECIFICATIONS**” and be attached to the bid form.

All bids must be submitted to the Town Clerk’s Office, at the address stated above, in a sealed envelope clearly marked “**ONE (1) USED STEEL FLATBED TOW TRUCK**” for the Town Municipal Garage. Proposals must be received by the Office of the Town Clerk by no later than **11:00 am on April 3, 2019**.

Please take notice that the Town Board reserves the right to reject in whole or in part any or all bids, waive any informality in the bids, and accept the bid which is deemed most favorable in the interest of the Town of Riverhead. The Town Board will use its discretion to make judgmental determination as to its best estimate of the lowest bidder. Note: Bid responses must be delivered to the Office of the Town Clerk at the address above. The Town may decline to accept, deem untimely, and/or reject any bid response/proposal that is not delivered to the Office of the Town Clerk.

**TOWN OF RIVERHEAD  
BID SPECIFICATION**

**ONE (1) USED STEEL FLATBED TOW TRUCK**

**I. General Description**

The Municipal Garage is seeking **(1) USED STEEL FLATBED TOW TRUCK**. While the Town of Riverhead Municipal Garage is requesting pricing and availability of a used steel flatbed, the Municipal Garage will consider and accept an equivalent steel flatbed tow truck that meets the general description above and vehicle requirements set forth under heading "III". In addition to the above, the mention in the specifications of any unit, component or equipment by brand name and/or model is meant to convey to the potential bidder the type and quality of the product required and desired by the Town. Any unit, component or equipment which is of equal type and quality may be considered as such and may be acceptable to the Municipal Garage, upon agreement by the Municipal Garage to that fact. The decision of the Municipal Garage however, in such circumstance, is final.

The Municipal Garage will accept delivery at 1412 Route 58, Riverhead, NY.

The steel flatbed tow truck shall meet or exceed the construction and specifications set forth below. All equipment furnished as standard by the manufacturer shall be included, if not stated in the written specifications. Special items needed to bring the truck up to specifications shall be accepted only if they are the manufacturers regular or approved factory options. Any deviations from the written specifications shown in the bid specifications shall be noted on the form titled "**EXCEPTIONS TO BID SPECIFICATIONS**" annexed to the specifications. In order to receive full consideration, bids must fully follow the specifications described more fully below and the notice to bidders.

**II. General Requirements**

**Bids:** Unless prices and all information requested are complete, bid may be disregarded and given no consideration. All prices and bids must be in ink or typewritten. No pencil figures or erasures are permitted. Mistakes may be crossed out and corrections inserted adjacent thereto and must be initialed in ink by person signing the bid. All bids must be signed with the firm's name and by a responsible officer or employee.

**Submission of Bids:** Each bid must be submitted on the prescribed form in a sealed envelope clearly marked "**ONE (1) USED STEEL FLATBED TOW TRUCK**" and filed with the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York on or before **11:00 am on April 3, 2019** at which time they will be publicly opened and read aloud.

Information must be furnished complete in compliance with the terms, conditions, and provisions of the bid specifications. The information requested and the manner of

submission are essential to permit prompt evaluation of all bids on a fair and uniform basis. Accordingly, the Town reserves the right to declare as non-responsive and reject any bid in which material information requested is not furnished or where indirect or incomplete answers or information is provided. Bids shall be for the total net price including all applicable taxes and charges, delivered F.O.B., Town of Riverhead.

Bids and modifications or corrections thereof received after the closing time specified will not be considered. Note, no telephone, e-mail or facsimile of bids will be accepted. If a photocopy is to be submitted, it must be signed in original, in ink.

The Town reserves the right to accept and/or reject any and all bids and waive and formalities in the bidding procedures to the extent permitted by law and make the award as may be deemed in the best interest of the Town.

### **III. Vehicle Requirements/Specifications**

The Town of Riverhead is requesting pricing and availability of **ONE (1) USED STEEL FLATBED TOW TRUCK** for use by the Municipal Garage.

**Note, in addition to the specifications set forth below, vehicle must be in good repair, condition and working order with only ordinary wear and tear from proper use and no rust/rot of exterior of truck. In addition, the truck and all components must be fully operational, road worthy and capable of passing a truck inspection by the State of New York.**

The truck must include all major standard equipment for the make and model, together with such additional specifications listed below:

- Warranty on Chassis/Engine/Transmission-minimum one year, preferable three years
- Less than 200,000 miles on engine
- Air Ride Suspension System
- Standard Radio (AM/FM)
- Fuel Type: Diesel
- Axles: 4x2
- Rear Axles: RWD
- Wheelbase: 158.0-260.0
- Brake Type: Hydraulic
- Drive Train: 4x2
- Engine Manufacture: Cummins
- Engine Size: 6.7
- Weight: 19501-26000
- Transmission Type: Automatic
- Upfit Body Type: Car Carrier, 21' deck with rear wheel lift
- Tires: 225/70R 19.5

## DELIVERY MUST BE WITHIN 30 DAYS OF BID AWARD

### IV. General Bid Specifications

#### **Bid Form**

Each bid shall be submitted on the required Bid Sheet; Exceptions to Specifications, Bidder Qualifications, Non-Collusive Bidding Certificate and Iran Divestment Act Certification must be submitted with each bid and must be signed by the same individual entering the bid. All bids or bidders not adhering to any of the requirements herein may be rejected.

**Inspection:** The Town reserves the right and shall be at liberty to inspect the truck and all equipment and shall have the right to reject the truck, equipment, all materials and workmanship which do not conform to the specification provided; however, the Town is under no duty to make such inspection. If the inspection indicates that repairs are necessary for the intended use of the truck by the town, the bidder may be offered the option to perform the repairs at the bidder's expense prior to the purchase of the truck by the Town. The Town's judgment of required repairs is not subject to negotiation or challenge.

Prior to delivery, the truck shall be completely serviced as necessary to assure proper operation and function.

All parts or attachments not specifically mentioned but necessary to complete the truck must be furnished and must conform to the highest standards of quality of material and workmanship provided in good engineering practice and intended in these specifications. The truck will be judged on stability and safety, ability to carry out Town's present operations, ease of operation and maintenance, driver's comfort, price and delivery date. These specifications shall be considered minimum unless otherwise stated. All variations from the stated specification must be clearly noted on the Bid Proposal.

Final inspection and acceptance of the truck for conformity with the specifications shall be made by George Woodson, Highway Superintendent or such designated representative of said Town Municipal Garage/Municipal Garage.

**Delivery:** The delivery date or term within which the proposed item(s) will be delivered shall be stated in the space provided under Delivery Information. Failure by the successful seller to notify the Town of Riverhead immediately of any delivery beyond the stated date or terms is cause for him to be held responsible for damages incurred as a result of an extended delivery time.

All equipment/material, spare parts and supplies shall be delivered F.O.B. destination, delivery charges prepaid and added, to the following location, unless otherwise indicated on the Bid Sheet labeled "IV. Bid".

**Material and Equipment Specified by Name:** Whenever any material or equipment is specified by patent or proprietary name or by the name of the manufacturer, unless stated

differently, such specification shall be considered as if followed by the words "or acceptable equal", whether or not such words appear. The seller may offer material or equipment with equal or better qualities and performance in substitution for those specified which he considers would be in the Town's interest to accept. No verbal offers for substitution will be acknowledged or considered from sellers, distributors, manufacturers or subcontractors. Any such offers shall be made in writing to the Highway Superintendent for his consideration with the submission of the proposal and the seller shall include sufficient data which, together with any other data the Town may require, will enable the Town to assess the acceptability of the material or equipment. Such acceptance by the Town shall not relieve the seller from full responsibility from the efficiency and quality and performance of the substitute material or equipment, in the same manner and degree as the material and equipment specified by name.

It should be understood that specifying a brand name, components and/or equipment in these specifications shall not relieve the seller from full responsibility to produce the products in accordance with the performance warranty and contractual requirements. The seller is responsible for notifying the Town of any inappropriate brand name, component and/or equipment that may be called for in the specifications, and to propose a suitable substitute for consideration.

**Bid Postponement and Amendment:** The Town of Riverhead reserves the right to revise or amend the specifications up to the time set for opening the bids. Such revisions and amendments, if any, shall be announced by amendments to this solicitation. Copies of such amendments shall be furnished to all prospective sellers. Prospective sellers are defined as those sellers listed on the Town's bids list for this material, or who have obtained bid documents subsequent to the bid advertisement. If the revisions and amendments require changes in quantities or prices proposed, or both, the date set for opening bids may be postponed by such number of days as in the opinion of the Town shall enable sellers to revise their bids. In any case, the bid opening shall be at least two (2) working days after the last amendment, and the amendment shall include an announcement of the new date, if applicable, for the opening of bids.

**Single Bid Response:** If only one bid is received in response to the invitation for bids, a detailed cost proposal may be requested of the single Seller. A cost/price analysis and evaluation and/or audit may be performed of the cost proposal in order to determine if the price is fair and reasonable.

**Bid Withdrawal:** After the bids are opened, bids may not be withdrawn for thirty (30) calendar days. Prior to the date/time set for the bid opening, however, bids may be modified or withdrawn by the Seller's authorized representative in person, or by written telegraphic notice. If bids are modified or withdrawn in person, the authorized representative shall make his identity known and shall sign a receipt for the bid.

**Award:** The Town of Riverhead reserves the right to accept bids, award bids and/or not award bids based on one vehicle or more than one vehicle or award separate (more than one) bids based upon the type of vehicle set forth in the specifications; to reject any and

all bids, to waive any informality in the bids, and to accept the bid that appears from all consideration to be for the best interest of the Town of Riverhead.

In determining and evaluating the best bid, the prices will not necessarily be controlling, but quality, equality, efficiency, utility, general terms, delivery, suitability of the equipment/material offered, and the reputation of the equipment/material in general use will also be considered with any other relevant factors. The Highway Superintendent and/or the Purchasing Agent shall be the judges in the determination of these matters.

Notice of bid award, if bid be awarded, will be made within thirty (30) days of opening of bids to the lowest responsive and responsible seller, whose bid proposal complies with all the requirements in the bid specifications.

**Title:** Title to the truck and all equipment shall pass to the Town at the F.O.B. point designated under Delivery, subject to the right of the Town to reject upon inspection.

**Acceptance and Payment:** Acceptance shall be made at the time all equipment/material is operational and in proper working order as determined by and to the satisfaction of the Town of Riverhead. Acceptance of the equipment/material shall be determined on the basis of technical completeness, performance and adherence to the operational requirements and functions of the specifications.

Payment will be scheduled within thirty (30) days upon complete delivery and acceptance of all material/equipment and receipt of an original and one (1) copy of an invoice complying with the terms and conditions of the award. The Town reserves the right to withhold up to ten percent (10%) of the purchase price in the event there is a conditional acceptance. Non-compliance with any one of the following requirements shall constitute a conditional acceptance:

- a) Adherence to the general construction and performance specifications.
- b) Reasonable opportunity for truck and equipment/material inspection by Highway Superintendent and/or Town Purchasing Agent.
- c) Receipt of manuals (if applicable).

**Guarantee:** All vehicles, equipment and materials including all parts and assemblies, if applicable, shall be guaranteed against defects in material and workmanship for a period of at least one (1) year after acceptance. Guarantee shall commence at the time of official acceptance by the Town. Where it is required to repair, replace, resurface, replant or to modify, alter, add or remove hardware, parts, components, or related accessories for the purpose of insuring proper appearance, performance or operation, such operations shall be done as required until such time as acceptable performance has been established.

Note, Seller shall be responsible for any costs related to repairs necessary to pass New York State Inspection.

Problems which occur shall be corrected in an appropriate fashion under guarantee. Seller shall be responsible to attend to and remedy such items within a reasonable

amount of time. Appropriate logs and schedules shall be maintained to reflect these items and their redress.

**Piggybacking Clause Method of Award:** The contract, if awarded, will be to the lowest responsive/responsible bidder(s) in part or in whole who meet(s) all the terms of the specifications. The TOWN guarantees no minimum or maximum purchases or contracts as a result of award of this bid. The Town of Riverhead reserves the right to allow all municipal and not for profit organizations authorized under the General Municipal Laws of the State of New York, to purchase any goods and/or services awarded as a result of this bid in accordance with the latest amendments to NYS GML 100 through 104. However, it is understood that the extension of such contracts are at the discretion of the vendor and the vendor is only bound to any contract between the Town of Riverhead and the vendor. Additionally, the TOWN reserves the right to purchase any goods or services included as a part of this bid from any means legally available to it.

**SEXUAL HARASSMENT:** "By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of §201-G of the Labor Law."

**New York Law:** The Notice to Bidders and Bid Specifications shall be governed according to the laws of the State of New York.

V. Bid Sheet

**ONE (1) USED STEEL FLATBED TOW TRUCK**

The flatbed tow truck must include all major standard equipment for the make and model "**ONE (1) USED STEEL FLATBED TOW TRUCK**" together with such additional equipment listed below:

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I, \_\_\_\_\_, certify that the flatbed tow truck described above and offered for sale is good repair, condition and working order with only ordinary wear and tear from proper use and no rust/rot of exterior of truck. In addition, the street sweeper/truck and all components are fully operational, road worthy and capable of passing a truck inspection by the State of New York.

**BID PRICE:**            \$ \_\_\_\_\_

Delivery Date: \_\_\_\_\_

Name of Bidder: \_\_\_\_\_

Address of Bidder: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email: \_\_\_\_\_

**VI. Exceptions to Specifications**

**REQUIRED DATA**

**(Please complete for any exception to the specifications)**

\_\_\_\_\_  
(Identify on the line above Year, Model)

Please identify the exceptions to the specifications by checking the appropriate box (see VI (A) below) and provide description of item(s) offered for consideration and/or as and for "equivalent" (see VI (B) below).

A. Please check appropriate boxes to identify exception to bid specifications set for in Part III of these specifications:

Hours and/or Odometer Reading \_\_\_\_\_

Condition of Truck Engine/Mechanical/Parts (good repair, condition and working order) \_\_\_\_\_

Condition of Truck Exterior  
Engine: \_\_\_\_\_

Inside/outside controls

Delivery must be within 30 days of bid award

Warranty for Chassis/Engine/Transmission

Other: \_\_\_\_\_

B. Exceptions to the specifications of any bid items stated herein shall be fully described in writing by the contractor in the space provided below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_

TITLE: \_\_\_\_\_

**BIDDER QUALIFICATIONS**

All questions must be answered and the information given must be clear and comprehensive. If necessary, questions may be answered on separate attached sheets.

**Section A.**

1. Name of Bidder/Organization:

\_\_\_\_\_

2. Main Office Address:

\_\_\_\_\_

3. When Organized:

\_\_\_\_\_

4. If a Corporation, Indicate State Incorporated In:

\_\_\_\_\_

5. **NAME OF PARTNERS**

**HOME ADDRESS OF PARTNERS**

(If Bidder is a FIRM, state here the name and home address of each member thereof)

\_\_\_\_\_

If Bidder is a CORPORATION, complete the information below:

Name and Address of President:

\_\_\_\_\_

Name and Address of Vice President:

\_\_\_\_\_

Name and Address of Secretary:

\_\_\_\_\_

6. Does any other contractor, vendor or person have, hold, or may derive any actual or beneficial percentage of interest in any other form of ownership of the Offeror in an amount of 5% or more? Yes/No \_\_\_\_\_

If yes, please provide:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**Section B.**

Provide information below regarding similar contracts held:

Organization Name:  
\_\_\_\_\_  
\_\_\_\_\_

Contact Person (Name and Phone Number):  
\_\_\_\_\_  
\_\_\_\_\_

Amount of Contract:  
\_\_\_\_\_  
\_\_\_\_\_

Date Completed:  
\_\_\_\_\_  
\_\_\_\_\_

**Section C.**

1. Have you ever failed to complete any contract awarded to you? Yes/No \_\_\_\_\_

2. Have you ever defaulted on a contract? Yes/No \_\_\_\_\_ If yes, state where and why:  
\_\_\_\_\_

3. Has any officer or partner of your organization ever been an officer or partner of some other organization that failed to complete a contract? Yes/No \_\_\_\_\_

If yes, state name of individual, other organization and reason:  
\_\_\_\_\_  
\_\_\_\_\_

4. Has any officer or partner of your organization ever failed to complete a contract in his/her own name? Yes/No \_\_\_\_\_ if yes, state name and reason:  
\_\_\_\_\_

5. In what other lines of business are you financially interested?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Who will personally supervise this contract?

Name and Phone Number

Title

\_\_\_\_\_  
\_\_\_\_\_

7. Do you have, or can you obtain, sufficient personnel and equipment to perform this contract as required by the "Bid Proposal"? Yes/No \_\_\_\_\_

8. Provide names and phone numbers of local (Long Island) government references:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Provide contact names and phone numbers for emergencies that require an immediate response:

Day: \_\_\_\_\_ Night: \_\_\_\_\_

10. List all major equipment you will utilize to perform all work. Indicate whether you currently

own or lease the equipment, or will lease it (attach a separate sheet if necessary).

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11. Successful Offeror shall provide the Town, at the signing of the contract, the following information:

- a. Table of Organization of the CONTRACTOR showing the names and addresses of all individuals serving on the Board of Directors or comparable body of the CONTRACTOR.
- b. Proof of financial capability and a detailed financial statement.

**Section D.**

(\*Delete phrases that are not applicable)

I, \_\_\_\_\_ the \*(applicant herein), (an officer or agent of the corporate applicant) namely its \_\_\_\_\_, (list corporate interest)

(swears) or (affirms) under the penalties of perjury that:

1. The following persons have a direct or indirect interest in this bid:

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE OF BIRTH</u>

\_\_\_\_\_ (In case of corporations, all officers of the corporation and stockholders owning more than 5% of the corporate stock must be listed. Attach an additional sheet, if necessary).

2. The following person(s) listed immediately above are related by blood or marriage to an officer or employee of the OWNER. Attach an additional sheet, if necessary.

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>NAME/POSITION OF EMPLOYEE/OFFICER</u>

False statements made herein are punishable as a Class A misdemeanor pursuant to 210.45 of the Penal Law.

\_\_\_\_\_  
Legal Name of Person/Firm/Corporation

By: \_\_\_\_\_

**GENERAL MUNICIPAL LAW – SECTION 103-d**

**Non-Collusive Bidding Certificate**

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under the penalty of perjury, that to the best of his knowledge and belief:

- (A) The prices in this bid have been arrived at independently without collusion, consultation, communication or agreement, and for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor or potential competitor;
- (B) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder prior to the opening, directly or indirectly to any other bidder, competitor or potential competitor;
- (C) No attempt has been or will be made by the bidder to induce any other person, partnership, or corporation to submit or not to submit a bid for the purpose of restricting competition.

I hereby affirm, under the penalty of perjury, the foregoing statement is true:

Signed by: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Affix corporate seal if contractor is a corporation.

## IRAN DIVESTMENT ACT CERTIFICATION

As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of “persons” who are engaged in “investment activities in Iran” (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act’s effective date, at which time it will be posted on the OGS website.

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Bidder/Contractor is advised that once the list is posted on the OGS website, any Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to the solicitation, must certify at the time the Contract is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract, should the TOWN OF RIVERHEAD receive information that a person is in violation of the above-referenced certification, the TOWN OF RIVERHEAD will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the TOWN OF RIVERHEAD shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

The TOWN OF RIVERHEAD reserves the right to reject any bid or request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

Date: \_\_\_\_\_

"By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of Section 201-G of the Labor Law."

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Authorized Signature